

**REMARKS/ARGUMENTS**

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 2, 4-9 and 11-36 are pending in the present application. Claims 3 and 10 have been canceled, claims 1, 5, 7, 8, 12, 13, 15, 16, 18, 21-23 and 26-30 have been amended and claims 31-36 have been added by the present Amendment.

In the outstanding Office Action, claims 1-3, 6, 7, 9, 10, 13, 14, 16, 17, 19, 21, 26, 27 and 30 were rejected under 35 U.S.C. § 102(e) as anticipated by Parsa et al.; claims 4, 11 and 20 were rejected under 35 U.S.C. § 103(a) as unpatentable over Parsa et al., claims 5, 8, 12, 15, 18, 22, 23, 28 and 29 were indicated as allowable if rewritten in independent form; and claim 25 was allowed.

Applicants thank the Examiner for the indication of allowable subject matter. In light of this indication, claims 5, 8, 12, 15, 18, 22, 23, 28 and 29 have been rewritten in independent form.

Claims 1-3, 6, 7, 9, 10, 13, 14, 16, 17, 19, 21, 26 and 27 stand rejected under 35 U.S.C. § 102(e) as anticipated by Parsa et al. This rejection is respectfully traversed.

Independent claim 1 has been amended to include subject matter similar to that recited in dependent claim 3. In particular, independent claim 1 is directed to a communication terminal which does not transmit a separate access preamble for accessing a

base station in addition to a preamble contained within the packet. Independent claims 7, 13, 21, 26 and 27 include similar amendments in a varying scope.

As noted in the specification at page 20, paragraph [76], according to the present invention, the pre-processing time can be reduced to less than one-fifth of the background art because the terminal 10 transmits the packet data of a frame unit (preamble unit + data unit + CRC unit + postamble unit) at the step of accessing the base station 20, without an additional preamble transmission solely for accessing the base station 20. Further, the present invention differs from the background art, which uses a closed loop power control method. In the background art, an access preamble, a CD preamble, and an overhead signal such as a packet preamble are transmitted before the packet data are transmitted. That is, as shown in the background of the art in Figure 2, an access preamble (AP) and collation detection (CD) preamble are transmitted to the base station prior to transmitting the data.

Regarding the feature recited in claim 3, the Office Action indicates Parsa et al. teaches this feature and cites column 10, lines 9-20. However, it is respectfully submitted this section of Parsa et al. actually states that an access preamble is transmitted. In more detail, this section indicates that the mobile station 15 enters the access phase, which involves the MS-spread-spectrum transmitter sending one or more access preambles, in access spots defined in relation to a frame-timing signal derived from receipt of the common synchronization channel. Then in column 10, lines 48-56, Parsa et al. teaches that upon

receiving the corresponding CD-AICH, the selected mobile station enters the data transmission phase and begins to send its pack of data along with any closed loop power control information. This is similar to the background of the related art which uses a closed loop power control method.

Accordingly, it is respectfully submitted independent claims 1, 7, 13, 21, 26 and 27 and each of the claims depending therefrom are also allowable.

In addition, new claims 31-36 have been added to set forth the invention in a varying scope and Applicants submit the new claims are supported by the original filed specification.

In particular, new claim 31 is similar to independent claim 1 (and including the subject matter recited in allowable claim 5), but does not include all of the elements recited in claim 1.

### **CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **David A. Bilodeau**, at the telephone number listed below.

Serial No. 09/986,415

Docket No. P-0270

Amdt. dated October 18, 2004

Reply to Office Action of August 4, 2004

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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